

## FREQUENTLY ASKED QUESTIONS FOR VENDORS and SUPPLIERS

Business owners will find that the State of Delaware offers many opportunities for you to provide goods and services. The State of Delaware cannot operate without the goods and services of private businesses. Through your participation in an open competitive procurement process, the government and the taxpayer benefit from improved quality at lower prices.

This guide is provided for general information purposes only. Nothing contained herein shall be construed to amend, modify, override, or nullify any state statute, regulation, rule, policy, procedure or document used in the procurement process.

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**1. How do I register to receive bid or solicitation notices?**

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The State of Delaware has a free Vendor Subscription service to advise potential vendors of solicitations in specific areas of interest as defined by you, the vendor community. Please take a moment to register for any area of business you may wish to receive notification at <https://diss.state.de.us/DWS/public.diss>. This service will complement our central solicitations website [www.bids.delaware.gov](http://www.bids.delaware.gov) that is a one stop shop for RFP's, ITB's and RFI's for the State of Delaware. Registration will enable you to receive an alert for each solicitation posted of interest to your business at the time of posting.

There is no limit to the areas of business that you may register. It is recommended that you register for as many areas of business that may possibly interest you.

The Government Support Services (GSS) - Contracting Unit does not send announcements of solicitations directly to vendors in favor of vendors registering for the subscription service. To ensure efficiencies in statewide procurement activities, solicitations will not be advertised in any newspaper. The UNSPSC is not assigned to a solicitation until it is finalized. GSS is not able to inform potential bidders which UNSPSC will be assigned.

**2. Does registering to receive bid or solicitation notices place my company on the authorized list of vendors for the State?**

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No, this subscription service only provides notification that a solicitation is available on the central solicitation website; [www.bids.delaware.gov](http://www.bids.delaware.gov). You must have registered with the appropriate UNSPSC to receive the notification.

**3. Is there a list of authorized vendors for use by State Agencies and subdivisions?**

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Government Support Services does not maintain a list of authorized vendors. Companies that are debarred by the federal government, state governments or agencies should review their circumstances.

**4. In registering, how do I know which codes to register for as areas that my company would like to receive solicitations?**

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There is no limit to the areas of business that you may register. It is recommended that you register for as many areas of business that may possibly interest you.

## **5. What is UNSPSC?**

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The United Nations Standard Products and Services Code® ([UNSPSC®](#)) provides an open, global multi-sector standard for efficient, accurate classification of products and services. The UNSPSC offers a single global classification system that can be used for:

- a. State-wide visibility of spend analysis.
- b. Cost-effective procurement optimization.
- c. Exploitation of electronic commerce capabilities.

## **6. How do I know if my subscription submission was accepted?**

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You will receive an acknowledgement that your subscription has been accepted and asked to activate your account and select your personal subscription preferences.

<http://diss.state.de.us/DWS/public.diss?command=PublicDISSActValidate&slId=UV0204EMMUNW11ZLGGBUOYY&uName=mpickrum&addrId=0&delOpt=EM>

## **7. Can I change or update the areas I want to receive solicitation notifications?**

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You can update any of the areas you have subscribed for, at any time. Any solicitations that have been released will only provide notification to those that have registered prior to the release.

## **8. Who can I call for help, if I have problems while registering for the subscription service?**

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If you require assistance using your account, please contact [gic@state.de.us](mailto:gic@state.de.us). They will respond to your inquiry during normal business hours (8am and 4:30pm Local Time), except holidays.

**9. Even though I have registered on the subscription service, I'm not receiving any notices. What can I do?**

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If you require assistance using your account, please contact us at [gic@state.de.us](mailto:gic@state.de.us). We will respond to your inquiry during normal business hours (8am and 4:30pm Local Time), except holidays and weekends.

**10. Why and how do I certify as a Minority and Women Business Enterprise (MWBE)?**

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- a. Certification will (a) help increase your firm's visibility among State agencies and other prospective clients.
  - i. document your firm's status as a certified MWBE and
  - ii. enhance your competitive advantage.
- b. Complete the application and submit it to the OMWBE. The application must be notarized. [Certification Application](#)

**11. I've notice that there are bid solicitations from outside of Delaware. Can I bid on these solicitations?**

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These solicitations are being advertised to provide local vendors with national contracting opportunities that come to the attention of Government Support Services. A contract with the State of Delaware may or may not result from these solicitations. GSS reserves the right to participate in any award at a future time. Interested vendors are encouraged to submit responses or seek partnering and/or subcontracting opportunities for these solicitations.

**12. What are the requirements for MWBE certification? Minority group?**

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- a. The company must be:
  - i. 51 percent owned by woman and/or minority group.
  - ii. 51 percent managed by woman and/or minority group.
  - iii. Certified as a MWBE in its home state of business a for profit business.
- b. Minority groups include African Americans, Asian Americans, Hispanic Americans, Native Americans and Subcontinent Asian Americans. For further clarification, please download a [Certification Application](#).

**13. What if I'm certified as a MWBE in another state? Another Delaware state agency?**

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The Office of Minority and Women Business Enterprise (OMWBE) recognizes DelDOT, City of Wilmington, MDOT, PA UCP, Pennsylvania MWBE, WBENC and MSDC. Please contact [OMWBE](#) to inquire about other certifying organizations.

**14. Once certified as a MWBE, will I receive preference in the award of contracts?**

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No, the State of Delaware does not currently have a preference program for MWBE.

**15. Are there any grants or funding available for MWBE firms?**

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OMWBE does not provide grants or funding to MWBEs.

**16. Are all solicitations issued by all agencies published on <http://bids.delaware.gov>?**

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Currently, not all state agencies publish their solicitations on the central portal.

**17. Are solicitations from counties and cities within Delaware listed on <http://bids.delaware.gov>?**

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Local jurisdictions do not publish their solicitations on the central portal.

**18. Is the subscription service the only means of identifying opportunities to sell my services or products to the State?**

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There is significant state procurement below the threshold established by the Purchasing and Contracting Advisory Council. Contact with the state agency is encouraged. [Procurement Unit Contact List](#)

## **19. What resources are there for me to learn about and be more successful in selling to the State?**

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Visit the Vendor Resources Tab at [www.marketplace.delaware.gov](http://www.marketplace.delaware.gov) for a complete list of tools and additional contact information.

## **20. What is below threshold procurement?**

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The Purchasing and Contracting Advisory Council established thresholds that trigger formal bidding procedures in the areas of Materiel and Non-Professional Services, Public Works, and Professional Services. State agencies are only required to use the formal bidding procedures when a purchase is made in an amount that exceeds the threshold limit. Please refer to the following site to review the contract thresholds: <http://mymarketplace.delaware.gov/>.

The purpose of the Council is to advise as to the effectiveness of and make recommendations for changes to the State's procurement laws, policies and practices. Some of the responsibilities of the Council are:

- a) Reviewing vendor concerns regarding the overall procurement process.
- b) Setting the dollar amount thresholds.

29 Del. C. § [6913](#) Contracting and purchasing advisory council.

## **21. What is included in professional services?**

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"Professional services" means services which generally require specialized education, training or knowledge and involve intellectual skills. Examples of professional services include, but are not limited to, engineering, environmental engineering, environmental monitoring, land surveying, landscape architecture, geology, architectural, archaeologists, architectural historians, historians, educational consultants, management, medical, teaching, planning, computer information management, financial, accounting, auditing, construction management and arbitration services. 29 Del. C. § [6902](#) (18)

## **22. Who is responsible for purchasing in Delaware State Government?**

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Each agency will provide for their purchasing responsibilities. The Procurement Unit Contact list contains the contact information of the person(s) responsible for

procuring goods and services for their agency. Included in the list are contacts for Municipalities, Fire Companies, School Districts, and State Agencies. The most current procurement contact list can be viewed at:

<http://mymarketplace.delaware.gov/>.

**23. I see that you have some commodities on contract, but you don't have what I sell. How do I get the state to put my commodities on a contract?**

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The state attempts to determine the common-use items and the items that can most efficiently and economically be purchased using the competitive bid process. For a new commodity to be put on contract, an agency must notify Government Support Services (GSS) – Contracting of a need. Once an agency contacts GSS for a specific commodity need, GSS will evaluate the need, and may begin the process of developing specifications towards soliciting a bid(s).

**24. How and when do I submit a bid to the State of Delaware?**

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Bid specifications and requirements for a complete and responsive bid are included in the bid solicitation documents. It is a vendor's responsibility to read, understand, and provide a complete bid response to all requirements that are outlined in a solicitation.

Each contract solicitation will provide the time and location where vendors may submit their bids. Vendors **MUST** ensure that their bids are delivered to the location by the time posted in the bid. Late bid receipts will be rejected and the bid returned unopened.

**25. If my company is submitting a formal sealed bid, when is it due and can I be present at the opening of the bids?**

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The soliciting agency will open bid proposals immediately after the bid submission deadline has passed. Only the bidder's names will be read during the proposal opening. Otherwise, bid proposals will remain confidential until the Evaluation Committee has reviewed all bid proposals submitted and the soliciting agency has announced a notice of intent to award a contract. Please be advised, the announcement of Contractors who timely submitted bid proposals does not mean that an individual bid proposal has been deemed technically compliant or accepted for evaluation, only that the bid was present and available by the opening deadline.



The requirements for contract solicitations and the award process are specified in the Delaware Code Title 29 §[6923](#) and [6924](#).

**26. Am I allowed to visit purchasing agencies to show my product or market my service?**

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Suppliers are requested to make appointments in advance and to limit the meeting to current information about their product or service. Accordingly, visits to agencies are encouraged. However, please remember that informing an agency of your product or service does not guarantee the sale of your product nor may it result in a contract. The State believes that a competitive process is the most advantageous, and encourages a bid environment before a contract is awarded.

**27. Am I required to have a Delaware business license?**

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Any person or entity conducting a trade or business in the State of Delaware is required to obtain a Delaware business license from the Delaware Division of Revenue. This includes entities located in Delaware who conduct their business outside the state. A business license must be obtained at the time business commences in Delaware. If you are unsure of whether or not you have substantial presence in Delaware to be subject to licensing and taxation, complete and submit our Nexus Questionnaire and the Delaware Division of Revenue will provide guidance.

An application may be requested in writing to: Division of Revenue, Carvel State Building, P. O. Box 8750, 820 N. French Street, Wilmington, DE 19899 or by telephone to one of the following numbers: (302) 577-8200 -- Public Service, (302) 577-8205 -- Licensing Department.

<http://revenue.delaware.gov/services/BusServices.shtml>

**28. What is an Invitation to Bid (ITB)?**

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An Invitation to Bid (referred to as ITB) is an invitation for suppliers, through a bidding process, to submit a proposal on a specific product or service on State contracts. If not stated otherwise, the supplier with the lowest bid is awarded the contract, provided that they meet the minimum criteria for the bid. Details of the ITB process can be found in Title 29, Chapter 69, (specifically § [6923](#)) "Competitive Sealed Bidding", Sub-Section (e) of the Delaware Code.

**29. What is a Request for Proposal (RFP)?**

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A Request for Proposal (referred to as RFP) is an invitation for suppliers, through a bidding process, to submit a proposal on a specific product or service on State contracts. An RFP typically involves more than the price. Other requested information may include basic corporate information and history, financial information (can the company deliver without risk of bankruptcy), technical capability (used on major procurements of services, where the item has not previously been made or where the requirement could be met by varying technical means), product information such as stock availability and estimated completion period, and customer references that can be checked to determine a company's suitability. RFP's often include specifications of the item, project or service for which a proposal is requested. The more detailed the specifications, the better the chances that the proposal provided will be accurate. The bidders return a proposal by a set date and time. The proposals are used to evaluate the suitability as a supplier, vendor, or institutional partner. Discussions may be held on the proposals (often to clarify technical capabilities or to note errors in a proposal). In some instances, all or only selected bidders may be invited to participate in subsequent bids, or may be asked to submit their best technical and financial proposal, commonly referred to as a Best and Final Offer (BAFO). Details of the RFP process can be found in Title 29, Chapter 69, (specifically § [6924](#)) "Competitive Sealed Bidding", Sub-Section (e) of the Delaware Code.

### **30. What is a Request for Information (RFI)?**

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A request for information (RFI) is to collect written information about the capabilities of various suppliers. An RFI is primarily used to gather information to help make a decision on what steps to take next. RFIs are therefore seldom the final stage and are instead often used in combination with the following: request for proposal (RFP), invitation to bid (ITB), and request for quotation (RFQ).

### **31. What is a Request for Qualifications (RFQ)?**

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A request for qualifications (RFQ) is official notification of needed professional services. The RFQ is issued to solicit statements of interest from consultants qualified to perform work on upcoming projects. A submittal of a qualification statement does not guarantee that the consultant will be contracted to perform any services but only serves notice that the firm desires to be considered.

### **32. Is the lowest bid always awarded the contract?**

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Only objectively measurable criteria that are set forth in the invitation to bid shall be applied in determining the lowest bidder. For an RFP, the agency shall award a contract to the supplier whose proposal is determined in writing to be most advantageous to the State, based on the factors set forth in the request for proposals. See Delaware Code Title 29 §[6923](#) and [6924](#).

**33. How will I be notified if my bid is the apparent winner?**

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After the award has been reviewed and approved, the award must be made within thirty (30) days for ITB, ninety (90) days for RFP after bid opening. A written notice of award shall be sent to the successful bidder. For procurement greater than the threshold amount(s), each unsuccessful bidder shall be notified of the award. Notice of award shall be made available to the public.

**34. If my bid/proposal was not the winning bid, can I find out what was the winning bid?**

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Yes. Winning bids may be viewed at Award Results Chart. All awarded vendors are listed at [Awarded Vendors](#) listing.

**35. What if I have a question on a competitively bid contract after the Question and Answer (Q&A) period has ended?**

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GSS – Contracting staff is unable to answer any questions directly relating to a competitive process after the Q&A period has ended. The Q&A period is set up to afford **all** contractors the chance to ask for and receive more information about the competitive process and/or contract services. However, it would be unfair to afford one contractor the chance to ask questions without the other contractors being afforded the same advantage. The staff is able to answer “administrative” type questions, such as mailing addresses, etc. after the Q&A deadline has passed.

**36. How can I find out which State Contract Procurement Officer (SCPO) handles my commodity?**

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A list of SCPOs may be found at, [Contact Information](#). On the GSS - Contracting website is a listing of all current awarded contracts. With each contract is the contact SCPO. <http://mymarketplace.delaware.gov/>

**37. If a contract was awarded to another company, does that mean I cannot bid on opportunities until that contract's term expires?**

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The Director for the State of Delaware, Office of Management and Budget, Government Support Section can waive use of a central contract pursuant to 29 Del. C. §[6911](#)(e). A process has been developed to permit any vendor the opportunity to submit an Opportunity Buy offer to the State for goods and/or services for consideration despite the existence of a central contract. See [http://gss.omb.delaware.gov/contracting/documents/agencyboilers/opportunity\\_buy\\_flowchart.pdf](http://gss.omb.delaware.gov/contracting/documents/agencyboilers/opportunity_buy_flowchart.pdf). The Director will afford any vendor on an existing central contract an opportunity to match or to beat the Opportunity Buy offer made by a non-contracted vendor prior to a waiver being granted.

**38. I have an item that is cheaper than what is on the state contract. How can offer this to state agencies?**

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The Director for the State of Delaware, Office of Management and Budget, Government Support Section can waive use of a central contract pursuant to 29 Del. C. §[6911](#) (e). A process has been developed to permit any vendor the opportunity to submit an Opportunity Buy offer to the State for goods and/or services for consideration despite the existence of a central contract. See [http://gss.omb.delaware.gov/contracting/documents/agencyboilers/opportunity\\_buy\\_flowchart.pdf](http://gss.omb.delaware.gov/contracting/documents/agencyboilers/opportunity_buy_flowchart.pdf). The Director will afford any vendor on an existing central contract an opportunity to match or to beat the Opportunity Buy offer made by a non-contracted vendor prior to a waiver being granted.

**39. Is Delaware tax exempt?**

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Yes, tax exempt certificates are available at <http://accounting.delaware.gov/memoranda.shtml>. Select the Fiscal Year and then the Tax Exempt Certificate link.

**40. What actions can be taken if the state agency is not fulfilling the terms and conditions of the contract?**

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If after working the issue(s) with the responsible Contract Officer or agency contact there are no results, document the specific concerns/issues and address a letter to the State Contract Procurement Administrator at 100 Enterprise Place, Suite 4, Dover, Delaware 19904 for resolution.

**41. In the event a vendor is not abiding by the contract terms, depending on the severity of the offense, what is the length of time for process of removal of the vendor? Can a vendor be debarred? Reinstated?**

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Timing is based on the terms within the Termination for Cause/Convenience sections of the contract (generally 30-60 days); where no contract exists, the same time frames apply. The State does not debar vendors and this only comes into play in Public Works Contracts; should this become a necessity, contact the Director of Government Support Services in writing at 100 Enterprise Place, Suite 4, Dover, Delaware 19904; Reinstatement is at the discretion of the State based upon a review of the circumstances and the vendors response as defined in the Remedies Section of the contract (where no contract exists, the same process applies).

**42. How long after receipt of an invoice are agencies required to make payment?**

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Agencies are required by law to make payment within thirty (30) days after receipt of a valid invoice. Details on the payment of bills can be found in Title 29, § [6516](#) (d) "Payment of bills or statements of account".

**43. I've verified the information on the W-9 I submitted and I'm still not getting paid and nobody in the agency seems to be able to help. What can I do?**

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Contact the procuring Agency for assistance. The contact information is on the purchase order.

**44. Am I required to accept the state's credit card (P-Card)?**

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The solicitation and subsequent contract require the acceptance of the state's purchasing card. For below threshold purchases, acceptance of the P-Card is not required. Payment is faster with the P-Card.

**45. Does Delaware have any preferences?**

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29 Del. C. § [6962](#) (d)(4)(b) Preference for Delaware labor -- In the construction of all public works for the State or any political subdivision thereof or by firms

contracting with the State or any political subdivision thereof, preference in employment of laborers, workers or mechanics shall be given to bona fide legal citizens of the State who have established citizenship by residence of at least 90 days in the State. Each public works contract for the construction of public works for the State or any political subdivision thereof shall contain a stipulation that any person, company or corporation who violates this section shall pay a penalty to the Secretary of Finance equal to the amount of compensation paid to any person in violation of this section.

#### 46. What is a set-aside?

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In accordance with Delaware Code, Chapter 96, [State Use Law](#), certain State Contracts are awarded as internal contracts as authorized by the State Use Commission (which rests under the jurisdiction of the [Department of Health and Social Services](#)). Therefore, these contracts are not part of the normal bid process. The Commission for the Purchase of Products and Services of the Blind and Other Severely Handicapped Individuals shall provide a market for products and services of visually handicapped and severely handicapped individuals.

#### 47. Why does the State require all these bonds when a company submits a proposal? Where do I find more information?

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- a. A *Performance Bond* is issued to one party of a contract as a guarantee against the failure of the other party to meet obligations specified in the contract.
- b. A *Bid Bond* is debt secured by a bidder for a construction job or similar type of bid-based selection process for the purpose of providing a guarantee to the State that the bidder will take on the job if selected. The existence of a bid bond provides the State with assurance that the bidder has the [financial](#) means to accept the job for the price quoted in the bid.
- c. Any Federal Construction contract valued at \$100,000 or more requires a Surety Bond as a condition of contract award. Most State and municipal governments have similar requirements as well as private entities; many service contracts and occasionally, supply contracts may require Surety Bonds.
- d. Who sells Surety Bonds? (Resources):
  - i. There are many sources from which a business can obtain a Bond. Here is a list of organizations where more information can be found:
    - a) Small Business Administration (SBA) at [www.sba.gov/osg](http://www.sba.gov/osg) or call (202) 205-6540.

- b) National Association of Surety Bond Producers (NASBP) at [www.nasbp.org](http://www.nasbp.org) or (202)-686-3700.
- c) The Surety & Fidelity Association of America (SFAA): at [www.surety.org](http://www.surety.org) or (202) 463-0600.
- d) Surety Information Office (SIO) at [www.sio.org](http://www.sio.org) or (202) 686-7463 This site also offers free publications such as  
The Importance of Surety Bonds in Construction;  
Helping Contractors Grow: Surety Bonds for New &  
Emerging Contractors; Surety Companies: What They  
Are & How to Find Out About Them; Surety Bonds for  
Contractors (CD)

For more information on building a relationship with a surety bond producer and a surety company please visit:  
[www.sio.org/contractor/contractor2.html](http://www.sio.org/contractor/contractor2.html)

**48. What is Delaware Department of Transportation's (DELDOT) diversity program?**

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The objective of the DBE Program is to insure non-discrimination in the award and administration of DOT assisted contracts and create a level playing field on which DBE firms can compete fairly for and participate equitably. Go to the [DBE Bulletin Board](#) for more detailed information.